


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
DEC 22 2005

CLERK

MITAR ARAMBASIC,

Petitioner,

vs.

JOHN ASHCROFT, Attorney General
of the United States, and TOM RIDGE,
Director of the Department of Homeland
Security; and WARREN ANDERSON,
U.S. Marshall's Service,

Respondents.

CIV 03-4194

MEMORANDUM OPINION
AND ORDER DENYING
RULE 59(c) MOTION

After this Court issued its Memorandum Opinion and Order Denying Petition for Writ of Habeas Corpus and corresponding Judgment in the above-entitled action, Petitioner filed a 49-page pro se motion to alter or amend judgment pursuant to Rule 59(c) of the Federal Rules of Civil Procedure with an accompanying request for hearing. Doc. 46. The motion has six Exhibits attachments to it. The Respondents have filed a response in resistance to the motion (Doc. 49), and Petitioner has filed a reply to the response. Doc. 50. The Court has reviewed the relevant documents.

A motion for reconsideration under Fed. R. Civ. P. 59(c) may be made even if it raises no new grounds but simply rehashes arguments presented earlier. *See Ahmed v. Ashcroft*, 388 F.3d 247, 250 (7th Cir. 2004). Although Petitioner has attached supporting documents not presented earlier, most of the documents are in support of arguments earlier raised. The Court has considered the motion and new supporting documents and concludes there is no reason to alter, amend or withdraw the Memorandum Opinion and Order Denying Petition for Writ of Habeas Corpus and corresponding Judgment.

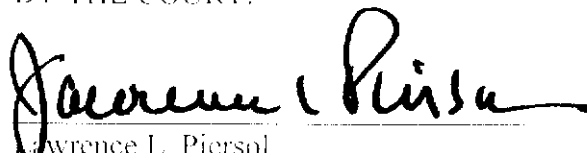
Petitioner presented in Exhibit 5 to his motion, Petitioner's translation of the record of hearing of a witness, Marko Cvitkovic. Petitioner presented in Exhibit 6 to his motion, Petitioner's translation of an official police report given by Stipan Cvitkovic. A motion to alter or amend

judgment is not to be used "to raise arguments which could, and should have been made before the trial court entered final judgment." *Bannister v. Armontrout*, 4 F.3d 1434, 1440 (8th Cir. 1993)(quoting *Woods v. City of Michigan City*, 940 F.2d 275, 280 (7th Cir. 1991)). However, even if there are good reasons for bringing this evidence to this Court at this late time, this Court concludes after carefully reviewing the documents that the documents would not have changed the Court's determination that there was sufficient evidence to support extradition in this case. Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Petitioner's motion to alter or amend judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure and accompanying request for hearing(Doc. 46)are denied.

Dated this 21st day of December, 2005.

BY THE COURT:


Lawrence L. Piersol
Chief Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: Shelly Margulies
(SEAL) DEPUTY